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APPENDIX

1. Louisiana Purchase Treaty, 1803, Proclaimed October 21, 1803, 8 Stat. 200.

ARTICLE I

Whereas by the Article the third of the Treaty concluded at St. Idelfonso the 9th Vendémiaire an 9/1st October 1800 between the First Consul of the French Republic and his Catholic Majesty it was agreed as follows.

“His Catholic Majesty promises and engages on his part to cede to the French Republic six months after the full and entire execution of the conditions and Stipulations herein relative to his Royal Highness the Duke of Parma, the Colony or Province of Louisiana with the Same extent that it now has in the hands of Spain, & that it had when France possessed it; and Such as it Should be after the Treaties subsequently entered into between Spain and other States.”

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in name of the French Republic for ever and in full Sovereignty the said territory with all its rights and appurtenances as fully and in the Same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

ARTICLE II

In the cession made by the preceding article are in-

cluded the adjacent Islands belonging to Louisiana all public lots and Squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property—The Archives, papers & documents relative to the domain and Sovereignty of Louisiana and its dependences will be left in the possession of Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officer of Such of the said papers and documents as may be necessary to them.

ARTICLE III

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

* * *

2. Act Creating the Territory of Orleans, March 26, 1804, 2 Stat. 283.

An Act erecting Louisiana into two territories, and providing for the temporary government thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty-third degree of north latitude, and to extend west to the western boundary of

the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans. * * *

3. Enabling Act for Creation of the State of Louisiana, February 20, 1811, 2 Stat. 641.

An Act to enable the people of the Territory of Orleans to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of the said river, including all islands to the thirty-second degree of latitude; thence due north, to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the river Mississippi; thence down said river to the river Iberville; and from thence along the middle of said river and lakes Maurepas and Ponchartrain, to the gulf of Mexico; thence bounded by the said gulf to the place of beginning: including all islands within three leagues of the coast, be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they may deem proper, under the provisions and upon the conditions hereinafter mentioned.

4. Constitution of Louisiana, January 22, 1812.*

We, the Representatives of the People of all that part of the Territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the 30th day of April 1803, between the United States and France, contained in the following limits, to wit: *beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of said river, including all its islands, to the thirty-second degree of latitude—thence due north to the Northernmost part of the thirty-third degree of north latitude**—thence along the said parallel of latitude to the river Mississippi—thence down the said river to the river Iberville, and from thence along the middle of said river and lakes Maurepas and Ponchartrain to the Gulf of Mexico—thence bounded by the said Gulf of Mexico to the place of beginning, including all Islands within three leagues of the coast—in Convention Assembled by virtue of an act of Congress, entitled “an act to enable the people of the Territory of Orleans to form a constitution and State government and for the admission of said State into the Union on an equal footing with the original States, and for other purposes:” In order to secure to all the citizens thereof the enjoyment of *the right of life, liberty and property*, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Louisiana. * * *

*West's Louisiana Statutes Anno., Const. Vol. 3, p. 511. Emphasis supplied.

5. Act for Admission of Louisiana as a State,
April 8, 1812, 2 Stat. 701.

An Act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said state.

WHEREAS, the representatives of the people of all that part of the territory or country ceded, under the name of "Louisiana," by the treaty made at Paris, on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained within the following limits, that is to say: *beginning at the mouth of the river Sabine; thence, by a line to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; then, due north, to the northernmost part of the thirty-third degree of north latitude;* thence, along the said parallel of latitude, to the river Mississippi; thence, down the said river, to the river Iberville; and from thence, along the middle of the said river, and lakes Maurepas and Ponchartrain, to the gulf of Mexico; thence, bounded by the said gulf, to the place of beginning, including all islands within three leagues of the coast; did, on the twenty-second day of January, one thousand eight hundred and twelve, form for themselves a constitution and state government, and give to the said state the name of the state of Louisiana, in pursuance of an act of Congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union, on an equal footing with the original states, and for other purposes:" And the said constitution having been transmitted to Congress, and by them being hereby approved; therefore*

*Emphasis supplied.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said state shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever, by the name and title of the state of Louisiana: *Provided,* That it shall be taken as a condition upon which the said state is incorporated in the Union, that the river Mississippi, and the navigable rivers and waters leading into the same, and into the gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said state as to the inhabitants of other states and the territories of the United States, without any tax, duty, impost or toll therefor, imposed by the said state; and that the above condition, and also all the other conditions and terms contained in the third section of the act, the title whereof is herein before recited, shall be considered deemed and taken, fundamental conditions and terms, upon which the said state is incorporated in the Union.

SEC. 2. *And be it further enacted,* That until the next general census and apportionment of representatives, the said state shall be entitled to one representative in the House of Representatives of the United States; and that all the laws of the United States, not locally inapplicable, shall be extended to the said state, and shall have the same force and effect within the same, as elsewhere within the United States.

SEC. 3. *And be it further enacted,* That the said state, together with the residue of that portion of country which was comprehended within the territory of Orleans, as constituted by the act, entitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," shall be one dis-

trict, and be called the Louisiana district; and there shall be established in the said district, a district court, to consist of one judge, who shall reside therein, and be called the district judge; and there shall be, annually, four stated sessions of the said court held at the city of Orleans; the first to commence on the third Monday in July next, and the three other sessions progressively on the third Monday of every third calendar month thereafter. * * *

6. Treaty, 1819, of Amity, Settlement and Limits Between the United States and Spain, Proclaimed February 22, 1821, 8 Stat. 252.

Treaty of Amity, Settlement and Limits between The United States of America, and His Catholic Majesty.

The United-States of America and His Catholic Majesty desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevails between the two Parties, have determined to settle and terminate all their differences and pretensions by a Treaty, which shall designate with precision the limits of their respective bordering territories in North-America.

With this intention the President of the United-States has furnished with their full Powers John Quincy Adams, Secretary of State of the said United-States, and His Catholic Majesty has appointed the Most Excellent Lord Don Luis de Onis, Gonzales, Lopez y Vara, Lord of the Town of Rayaces, Perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand-Cross of the Royal American Order of Isabella, the Catholic, decorated with the Lys of La Vendée, Knight-Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the

Supreme Assembly of the said Royal Order; of the Counsel of His Catholic Majesty; His Secretary with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United-States of America.

And the said Plenipotentiaries, after having exchanged their Powers, have agreed upon and concluded the following Articles.

ARTICLE 1.

There shall be a firm and inviolable peace and sincere friendship *between the United-States and their Citizens, and His Catholic Majesty,** his Successors and Subjects, without exception of persons or places.

ART. 2.

His Catholic Majesty cedes *to the United-States*, in full property and sovereignty, *all the territories* which belong to him, situated to the Eastward of the Mississippi, known by the name of East and West Florida. The adjacent Islands dependent on said Provinces, all public lots and Squares, vacant Lands, public Edifices, Fortifications, Barracks and other Buildings, which are not private property, Archives and Documents, which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said Archives and Documents shall be left in possession of the Commissaries, or Officers of the United-States, duly authorized to receive them.

ART. 3.

The Boundary Line between the two Countries, West of the Mississippi, shall begin on the Gulph of Mexico,

*Emphasis supplied throughout this document.

at the mouth of the River Sabine in the Sea, continuing North, along the Western Bank of that River, to the 32d degree of Latitude; thence by a Line due North to the degree of Latitude, where it strikes the Rio Roxo of Natchitoches, or Red River, then following the course of the Rio-Roxo Westward to the degree of Longitude, 100 West from London and 23 from Washington, then crossing the said Red-River, and running thence by a Line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to the source of Latitude 42, North, and thence by that parallel of Latitude to the South-Sea. The whole being as laid down in Melishe's Map of the United-States, published at Philadelphia, improved to the first of January, 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude 42, then the Line shall run from the said Source due South or North, as the case may be, till it meets the said Parallel of Latitude 42, and thence along the said Parallel to the South Sea: all of the Islands in the Sabine and the said Red and Arkansas Rivers, throughout the Course thus described, *to belong to the United-States*; but the use of the Waters and the navigation of the Sabine to the Sea, and of the said Rivers, Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the respective inhabitants of both Nations. The Two High Contracting Parties agree to cede and renounce all their rights, claims and pretentions *to the Territories* described by the said Line: that is to say—The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretentions *to the Territories* lying West and South of the above described Line; and, in like manner, His Catholic Majesty *cedes to the said United-States*, all his

rights, claims, and pretensions to any Territories, East and North of the said Line, and, for himself, his heirs and successors, renounces all claim to the said Territories forever.

ART. 4.

To fix this Line with more precision, and to place the Land marks which shall designate exactly the limits of both Nations, each of the Contracting Parties shall appoint a Commissioner, and a Surveyor, who shall meet before the termination of one year from the date of the Ratification of this Treaty, at Natchitoches, on the Red River, and proceed to run and mark the said Line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the Latitude of the source of the said River Arkansas, in conformity to what is above agreed upon and stipulated, and the Line of Latitude 42, to the South Sea: they shall make out plans and keep Journals of their proceedings, and the result agreed upon by them shall be considered as part of the Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary Articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. 5.

The inhabitants of the ceded Territories shall be secured in the free exercise of their Religion, without any restriction, and all those who may desire to remove to the Spanish Dominions shall be permitted to sell, or export their Effects at any time whatever, without being subject, in either case, to duties.

ART. 6.

The Inhabitants of *the Territories* which His Catholic Majesty *cedes to the United-States* by this Treaty, shall be incorporated in the Union of the United-States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United States.

ART. 7.

The Officers and Troops of His Catholic Majesty in *the Territories hereby ceded* by him to the United States shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the Ratifications of this Treaty, or sooner if possible, by the Officers of His Catholic Majesty, to the Commissioners or Officers of the United-States, duly appointed to receive them; and the United-States shall furnish the transports and escort necessary to convey the Spanish Officers and Troops and their baggage to the Havana.

ART. 8.

All the grants of land made before the 24th of January 1818, by His Catholic Majesty or by his lawful authorities in the *said Territories ceded by His Majesty to the United-States*, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the Territories had remained under the Dominion of His Catholic Majesty. But the owners in possession of such lands, who by reason of the recent circumstances of the Spanish Nation and the Revolutions in Europe, have been prevented from fulfilling all the conditions

of their grants, shall complete them within the terms limited in the same respectively, from the date of this Treaty; in default of which the said grants made since the 24th of January 1818, when the first proposal on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

* * *

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of this transaction, be deposited in the Department of State of the United-States; and copies of them or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United-States.

* * *

ART. 12.

The Treaty of Limits and Navigation of 1795, remains confirmed in all and each one of its Articles, excepting the 2, 3, 4, 21 and the second clause of the 22d Article, which, having been altered by this Treaty, or having received their entire execution, are no longer valid.

With respect to the 15th Article of the same Treaty of Friendship, Limits and Navigation of 1795, in which it is stipulated, that the Flag shall cover the property, the Two High Contracting Parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two Contracting Parties shall be at War with a Third Party, and the other Neutral, the Flag of the Neutral shall cover the property of Enemies, whose Government acknowledges this principles, and not of others.

ART. 13.

Both Contracting Parties wishing to favour their mutual Commerce, by affording in their ports every necessary Assistance to their respective Merchant Vessels, have agreed, that the Sailors who shall desert from their Vessels in the ports of the other shall be arrested and delivered up, at the insistance of the Consul—who shall prove nevertheless, that the Deserters belonged to the Vessels that claimed them, exhibiting the document that is customary in their Nation: that is to say, the American Consul in a Spanish Port, shall exhibit the Document known by the name of *Articles*, and the Spanish Consul in American Ports, the Roll of the Vessel; and if the name of the Deserter or Deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody and delivered to the Vessel to which they shall belong.

The United-States hereby certify, that they have not received any compensation from France for the injuries they suffered from her Privateers, Consuls, and Tribunals, on the Coasts and in the Ports of Spain, for the satisfaction of which provision is made by this Treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ART. 15.

The United-States to give to His Catholic Majesty, a proof of their desire to cement the relations of Amity subsisting between the two Nations, and to favour the Commerce of the Subjects of His Catholic Majesty, agree that Spanish Vessels coming laden only with productions of Spanish growth, or manufacture direct-

ly from the Ports of Spain or of her Colonies, shall be admitted for the term of twelve years to the Ports of Pensacola and St. Augustine in the Floridas, without paying other or higher duties on their cargoes or of tonnage than will be paid by the vessels of the United-States. During the said term no other Nation shall enjoy the same privilege within the *ceded Territories*. The twelve years shall commence three months after the exchange of the Ratifications of this Treaty.

* * *

7. Treaty of Limits Between the United States and the United Mexican States, Proclaimed April 5, 1832, 1828, 8 Stat. 372.

Treaty of Limits between the United States of America and the United Mexican States.

The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty concluded and signed at Washington on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the government of the United States of America on the one part and of that of Spain on the other: And whereas, the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States.

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary; and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva:

And the said Plenipotentiaries having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE FIRST.

The dividing limits of the respective bordering territories of the United States of America and of the United Mexican States being the same as were agreed and fixed upon by the above-mentioned treaty of Washington concluded and signed on the twenty-second day of February in the year of one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited as follows:

ARTICLE SECOND.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the 32nd degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall

run from the said source due south or north, as the case may be, till its meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: *All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States*; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, or their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say: the United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above described line; *and in like manner, His Catholic Majesty cedes to the said United States*, all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territory forever.

ARTICLE THIRD.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a Surveyor, who shall meet, before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is agreed upon

and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should be deemed necessary.

* * *

Additional Article to the Treaty of Limits concluded between the United States of America and the United Mexican States on the 12 day of January 1828.

The time having elapsed which was stipulated for the exchange of ratifications of the Treaty of Limits between the United Mexican States and the United States of America, signed in Mexico on the 12th day of January 1828, and both Republics being desirous that it should be carried into full and complete effect with all due solemnity, the President of the United States of America has fully empowered on his part Anthony Butler a Citizen thereof and Charge d'Affaires of the said States in Mexico. And the Vice-President of the United Mexican States, acting as President thereof, has in like manner fully empowered on his part their Excellencies Lucas Alaman, Secretary of State, and Foreign Relations, and Rafael Mangino, Secretary of the Treasury, who after having exchanged their mutual powers found to be ample and in form have agreed and do hereby agree on the following article.

The ratifications of the Treaty of Limits concluded on the 12th January 1828, shall be exchanged at the City of Washington within the term of one year count-

ing from the date of this agreement and sooner should it be possible.

The present additional article shall have the same force and effect as if it had been inserted word for word in the aforesaid Treaty of the 12th of January of 1828, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals. Done in Mexico the fifth of April of the year one thousand eight hundred thirty one, the fifty fifth of the Independence of the United States of America, and the eleventh of that of the United Mexican States.

[Seal] A: BUTLER

[Seal] LUCAS ALAMAN

[Seal] RAFAEL MANGINO

(Emphasis Supplied)

**8. Boundary Convention Between the United States
and the Republic of Texas, 1838, Proclaimed
October 13, 1838, 8 Stat. 511.**

Convention between the United States of America
and the Republic of Texas, for marking the bound-
ary between them.

Whereas the treaty of limits made and concluded on the twelfth day of January in the year of our Lord one thousand eight hundred and twenty eight between the United States of America on the one part and the United Mexican States on the other is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States:

And whereas it is deemed proper and expedient in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its plenipotentiary:

And the said plenipotentiaries having exchanged their full powers, have agreed upon and concluded the following articles:

ART. 1. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet before the termination of twelve months for the exchange of the ratifications of this Convention at New Orleans and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico to the Red River. They shall make out plans and keep journals of their proceedings and the result agreed upon by them shall be considered as part of this Convention and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons and also as to their respective escorts, should such be deemed necessary.

ART. 2. And it is agreed that until this line shall be marked out as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised, and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may

suit the convenience of both the contracting parties, until which time each of the said parties shall exercise without the interference of the other within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ART. 3. The present Convention shall be ratified and the ratifications shall be exchanged at Washington within the term of six months from the date hereof, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals. Done at Washington, this twenty fifth day of April in the year of our Lord one thousand eight hundred and thirty eight, in the sixty second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

[Seal] MEMUCAN HUNT

[Seal] JOHN FORSYTH

9. Resolution of the Louisiana Legislature, March 16, 1848, Requesting Consent to Extend Western Boundary*

Resolution of the Legislature of Louisiana, in favor of the extension of the jurisdiction of that State to the western bank of the Sabine, April 28, 1848. No. 212—Resolution.

Whereas the constitution and the laws of the State of Louisiana, nor those of any other State or territory, extend over the waters of the Sabine river from the middle of said stream to the western bank thereof; and that it is of importance to the citizens living con-

*Senate Documents, 30th Con., 1st Sess., 1848, Misc. 135.

tiguous thereto, and to the people in general, that the jurisdiction of some State should be extended over said territory, in order that crimes and offenses committed thereupon should be redressed in a speedy and convenient manner:

Therefore be it resolved by the Senate, and House of Representatives of the State of Louisiana in General Assembly convened, 1st. That the constitution and the jurisdiction of the State of Louisiana shall be extended over part of the United States, embraced in the following limits (whenever the consent of the Congress of the United States can be procured thereto.) viz:

Between the middle of the Sabine river and the western bank thereof, to begin at the mouth of said river where it empties into the Gulf of Mexico, and thence to continue along the said western bank to the place where it intersects the thirty-second degree of north latitude, it being the boundary line between the said State of Louisiana and the States of—.

2nd. Be it further resolved, etc., That our Senators be instructed, and our Representatives in Congress requested, to procure the passage of a law on the part of the United States, consenting to the extension of the constitution, and the jurisdiction of the laws of the State of Louisiana, over the territory in said river.

3d. And be it further resolved, etc., That the governor of the State be requested to forward a copy of these to each of our Senators and Representatives in Congress.

PRESTON W. FARRAR,

Speaker of the House of Representatives.

TRAISMON LANDRY,

Lieut. Governor and President of the Senate.

Approved March 16, 1848.

ISAAC JOHNSON,
Governor of the State of Louisiana.

**10. Resolution of the Texas Legislature, March 18,
1848, Requesting Consent to Extend Eastern
Boundary***

*Resolution of the Legislature of Texas, in favor of
the passage of an act, extending the jurisdiction
of that State over the Sabine pass, the Sabine lake,
and the Sabine river, April 17, 1848.*

*Joint Resolution instructing our Senators and re-
questing our Representatives in Congress to use
their efforts to have a law passed to extend the
jurisdiction of Texas over one half of Sabine pass,
lake, and river.*

SEC. 1. *Be it resolved by the Legislature of the
State of Texas, That our Senators be instructed, and
our Representatives in Congress be requested, to use
their efforts to have a law passed by Congress, ex-
tending the jurisdiction of Texas over one half of
the waters of Sabine lake, Sabine pass, and Sabine
river, up to the 32° of north latitude.*

SEC. 2. *Be it further resolved, That the governor
of this State be required to transmit to each of our
Senators and Representatives in Congress a copy of
the foregoing joint resolution.*

JAMES W. HENDERSON,
Speaker of the House of Representatives.

JOHN A. GREER,
President of the Senate.

Approved March 18, 1848.

GEO. T. WOOD

*Senate Documents, 30th Cong., 1st Sess., 1848, Misc. 123.

11. Act Giving Consent to the State of Texas to Extend Her Eastern Boundary so as to Include Within Her Limits One-half of Sabine Pass, Sabine Lake and the Sabine River as Far North as the Thirty-second Degree of North Latitude, July 5, 1848, 9 Stat. 245.

An Act giving the Consent of the Government of the United States to the State of Texas to extend her eastern Boundary so as to include within her Limits one half of Sabine Pass, Sabine Lake, and Sabine River, as far north as the thirty second Degree of North Latitude.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Congress consents that the legislature of the State of Texas may extend her eastern boundary so as to include within her limits one half of Sabine Pass, one half of Sabine Lake, also one half of Sabine River, from its mouth as far north as the thirty-second degree of north latitude.

Approved, July 5, 1848.*

Report of Senate Action

*Congressional Globe, 1st Sess., 30th Cong., Dec. 6, 1847-Aug. 14, 1848; New Series No. 56 at p. 882:

"In Senate

Thursday, June 29, 1848

Reports From Committees

Mr. Butler, from the Committee on the Judiciary, reported an act giving the consent of the Government of the United States to the State of Texas to extend the eastern boundary so as to include within her limits one-half of the Sabine Pass, Sabine Lake,

and the Sabine River as far north as the 32° of north latitude.

Mr. B. asked for the immediate consideration of the bill, and briefly explained its character. The boundary of the United States, it was known, embraced the Sabine River and lake to its western shore. The boundary of the State of Louisiana extended to the middle of the Sabine; so that the half of the river and lake, to the western shore belonged to the United States, and was not included in the State of Louisiana; therefore, the boundary of the State and that of the United States, was not identical. The bill before the Senate gives the half of the river beyond the boundary of the State of Louisiana to the State of Texas for the purpose of enabling the latter to extend her criminal jurisdiction to the Louisiana boundary. There could be no objection to the bill, and he hoped it would now be passed.

Mr. Johnson, of La., and Mr. Downs in behalf of the State of Louisiana, expressed their acquiescence in the arrangement.

The bill was then read a third time and passed."

12. Act of Texas Legislature Extending Eastern Boundary, November 24, 1849, 3 Gammels Laws of Texas 442.

An Act to extend the Eastern Boundary of the State of Texas, so as to include within its limits the western half of Sabine Pass, Sabine Lake and Sabine River up to the Thirty-second Degree of North Latitude.

SEC. 1. Be it enacted by the Legislature of the State of Texas, that in accordance with the consent of the Congress of the United States, given by an act of

said Congress, approved July 5, 1848, the Eastern Boundary of the State of Texas be, and the same is hereby extended so as to include within the limits of the State of Texas, the western half of Sabine Pass, Sabine Lake and Sabine River from its mouth as far north as the thirty-second degree of north latitude; and that the several counties of this State, bounded by said Sabine Pass, Sabine Lake and Sabine River from its mouth as far north as the thirty-second degree of north latitude, shall have and exercise jurisdiction over such portions of the western half of said Pass, Lake and River as are opposite to said counties respectively; and this act shall take effect from and after its passage.

Approved, November 24, 1849.

**"13. Affidavit of Robert L. Cross
Law Enforcement Coordinator
Texas Parks and Wildlife Department**

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

I, Robert L. Cross, being first duly sworn, on my oath depose and say as follows:

I am State Law Enforcement Coordinator for the agency of the State of Texas now known as the Texas Parks and Wildlife Department, which has the responsibility of enforcing the game and fish laws of the State. I have served in this position since October 1, 1969. Prior to that, from November 1, 1958, to September 1, 1961, I served as District Supervisor for the agency, with headquarters in Houston. My district covered fifteen southeast Texas counties, including those adjoining Sabine Pass, and Sabine Lake and portions of the Sabine River. From September

1, 1961, to October 1, 1969, I served as Regional Enforcement Supervisor for the agency, with my region covering thirty-three southeast Texas counties, including those mentioned above. My duties as aforesaid enabled me to know the facts set forth herein.

During all of my period of service, and even until this day, our Texas State agency and its officers enforced the laws relating to game and fish on the west one-half of the Sabine River, Sabine Lake and Sabine Pass. During this time, I never heard of any question being raised as to our right to enforce the Texas laws in this area. During this period, we filed and prosecuted many cases for violations of Texas laws within the waters of the west half of Sabine Pass, Sabine Lake, and Sabine River. These were filed and prosecuted in the Texas counties whose boundaries extended by law to the center of said streams.

At no time during this period did the State of Louisiana or its officials seek to enforce the Louisiana game and fish laws on the Texas side or western half of these streams, nor did they ever assert, so far as I ever heard, the right to do so. On the contrary, Louisiana officials enforced their game and fish laws only on the eastern half of the Sabine Pass, Sabine Lake and Sabine River and always respected our jurisdiction on the western half of these streams. We always have had very fine cooperation from the Louisiana Wildlife and Fisheries Commission and its officers, and our relationships have been most cordial. On many occasions our Texas agency and the Louisiana Commission would work together and conduct joint operations on the Sabine River, checking nets for violations, with our officers going along the western one-half of the river and Louisiana officers simul-

taneously going along the eastern one-half of the river.

In a cooperative endeavor to alleviate enforcement problems, the Texas Parks and Wildlife Commission and the Louisiana Wildlife and Fisheries Commission entered into a reciprocal agreement, authorized by the Legislatures of the respective States, signed on December 14, 1967, by the Louisiana Commission and on February 13, 1968, by the Texas Commission, setting forth who could fish "the common boundary waters of Texas and Louisiana," which agreement provides, inter alia, that a possessor of a license from either State may fish anywhere in the said waters. A true and correct copy of this agreement is attached hereto as Exhibit A.

Another reciprocal agreement was entered into by the two Commissions, signed by Louisiana September 22, 1969, and by Texas October 3, 1969, setting forth a joint agreement as to bag limits for fish on Toledo Bend Lake, a lake created by the recent construction of Toledo Bend Dam on the Sabine River. A true and correct copy is attached as Exhibit B.

The Texas Health Department in recent years has closed portions of the western one-half of Sabine Lake to oystering, because of pollution conditions. Louisiana has done likewise on the eastern half of the Lake.

The Texas Parks and Wildlife Commission has for at least fifteen years granted permits to shell dredgers for the taking of shell from the bed of Sabine Lake on the western half thereof, and thousands of tons of shell have been dredged from the bed of the western half of the Lake under these permits, with compensation therefor being paid to the State of Texas. These, like all the activities of our agency on the western half of Sabine Lake, Sabine Pass and Sabine River,

were conducted in full view of our counterpart officers of Louisiana whose boats patrolled their eastern half of the streams, and I never heard of any objection or assertion by them against our rights and jurisdiction over the waters and beds of the western half of the streams. On the contrary, as indicated above, they worked in complete cooperation and recognition of our rights and jurisdiction west of the center of the streams and confined their similar activities east of the center of the streams. This has been true not only during my personal knowledge of the facts since November 1958, but according to my predecessors and the records of this agency, such activities by Texas officials on the western half of these streams and complete acquiescence therein by Louisiana officials has existed since the predecessor of this agency, The Texas Game, Fish and Oyster Commission, was created in 1929.

Executed at Austin, Texas, this the 11th day of June, 1970.

ROBERT L. CROSS

SWORN TO AND SUBSCRIBED BEFORE ME
by Robert L. Cross on this the 11th day of June, 1970.

W. C. PARKER

Notary Public in and for
Travis County, Texas

Exh. A to Cross Affidavit

RECIPROCAL AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by virtue of Article 978-f-6, Texas Penal Code, the Texas Game and Fish Commission now the Texas Parks and Wildlife Commission, may enter into agreements of reciprocity with the author-

ized agents, commissions or boards of states having a common border with the State of Texas to provide for fishing on lakes and rivers located upon a common boundary between Texas and such other states by sports fishermen who hold a fishing license issued by either state; and,

WHEREAS, the State of Louisiana through the Louisiana Wild Life and Fisheries Commission is authorized by House Concurrent Resolution No. 211 to enter into reciprocal agreements with the proper officials of the State of Texas permitting sports fishermen, either duly licensed or exempt from the licensing law of said state, to fish common boundary lakes and rivers between Louisiana and Texas; and,

WHEREAS, the States of Texas and Louisiana intend to enter into such an agreement so that bona fide residents of Texas and Louisiana may fish in the common boundary waters of the two states; and,

WHEREAS, to insure the proper administration of the law, rules and regulations in force in the States herein identified, it is the intention that the term "resident" shall mean any person who resides in the State of Texas or the State of Louisiana for a period of not less than six (6) consecutive months; and

WHEREAS, Article 4032-b-1, R.C.S. of Texas exempts persons under seventeen (17) years of age and over sixty-five (65) years of age from the legal requirements of possessing a fishing license when sports fishing in the waters of Texas; and,

WHEREAS, R.S. 56:331 of Louisiana exempts any person under sixteen (16) years of age, whether a resident or non-resident, from obtaining a sports fishing license or paying said license fee in order to sports-fish the waters of Louisiana; and,

WHEREAS, R.S. 56:331 and 643 of Louisiana exempts any person over sixty (60) years of age from paying the sports fishing license fee but does require said person to obtain and possess a free license, when sports fishing the waters of Louisiana; and,

WHEREAS, the foregoing exemptions shall reciprocally apply to citizens of Texas and Louisiana when fishing in common boundary waters.

NOW, THEREFORE, this reciprocal agreement made and entered into in duplicate by and between the Texas Parks and Wildlife Commission, in behalf of the State of Texas, and the Louisiana Wild Life and Fisheries Commission, in behalf of the State of Louisiana, wherein it is mutually agreed as follows:

(1) The term "resident" shall mean any person who is a bona fide resident and who has so continuously resided in either of the said States for a period of not less than six (6) months.

(2) A resident of the State of Texas, under seventeen (17) years of age and over sixty-five (65) years of age may sports-fish in the common boundary waters of Texas and Louisiana without being required to possess a fishing license.

(3) A resident of the State of Louisiana, under sixteen (16) years of age may sports-fish in the common boundary waters of Texas and Louisiana without being required to possess a fishing license or pay the license fee. A resident of the State of Louisiana over sixty (60) years of age must obtain and possess a valid license to sports-fish the common boundary waters of Texas and Louisiana but is exempt from paying the license fee.

(4) A resident of either of the aforementioned States that is required to have a sports-fishing license

may sports-fish in the common boundary waters of the aforementioned States with a license issued by either State.

(5) The Texas Parks and Wildlife Commission is authorized to issue proclamations approving negotiations as entered into by this reciprocal agreement and such agreement shall become effective in the common boundary waters of Texas and Louisiana thirty (30) days after the agreement has been lawfully accepted by the Louisiana Wild Life and Fisheries Commission.

(6) Immediately after the adoption of this agreement a copy of the rules and regulations contained in the agreement will be numbered and filed in the office of the Secretary of State, in the office of the Parks and Wildlife Commission, Austin, Texas, and a copy thereof will be filed in the office of each County Clerk and each County Attorney in the counties within which the rivers and lakes involved are located, the office of the Secretary of State of Louisiana, the Louisiana Wild Life and Fisheries Commission and a copy shall be furnished to each employee of the Texas Parks and Wildlife Commission who performs duties in said counties in which common boundary waters are located.

(7) Either State to this agreement may withdraw therefrom upon six (6) months notice in writing, addressed to the other State.

**TEXAS PARKS AND WILDLIFE
COMMISSION**

By: WILL ODOM
Chairman

By: J. M. DELLINGER
Member

By: **HARRY JERSIG**
Member

Witness our official hands and signatures this 13th day of February, A.D. 1968, as and constituting the Parks and Wildlife Commission of the State of Texas.

**LOUISIANA WILD LIFE AND
FISHERIES COMMISSION**

By: **LESLIE L. GLASGOW**
Director

Witness my official hand and signature this 14th day of December, A.D. 1967, as the Director of Louisiana Wild Life and Fisheries Commission for and on its behalf.

Exh. B to Cross Affidavit

WITNESSETH:

WHEREAS, the State of Louisiana by and through its Louisiana Wild Life & Fisheries Commission, a component agency of the State of Louisiana, is authorized to enter into a reciprocal agreement with the State of Texas under authority of LSA-R. S. 56:673 to establish sport fishing creel limits for Toledo Bend Lake, and

WHEREAS, by virtue of Article 978f-6, Texas Penal Code, the Texas Game and Fish Commission, now the Texas Parks and Wildlife Commission, may enter into agreements of reciprocity with the State of Louisiana to establish sport fishing creel limits for Toledo Bend Lake, and,

WHEREAS, the States of Louisiana and Texas intend to enter into such an agreement so that uni-

form regulations are established for Toledo Bend Lake.

NOW, THEREFORE, this reciprocal agreement for Toledo Bend Lake made and entered into in duplicate by and between the Louisiana Wild Life & Fisheries Commission, in behalf of the State of Louisiana, and the Texas Parks and Wildlife Commission, in behalf of the State of Texas, wherein it is mutually agreed as follows:

1. The creel limit for black bass (to include both the largemouth bass and spotted bass) shall be 15 per day, with no possession limits.

2. There shall be no creel or possession limits on catfish, white bass, crappie, sunfish or other species taken by sport fishing.

3. The Louisiana Wild Life & Fisheries Commission and the Texas Parks and Wildlife Commission are authorized to issue proclamations approving negotiations as entered into by this reciprocal agreement and such agreement shall become effective in Toledo Bend Lake thirty (30) days after the agreement has been lawfully accepted by both states.

4. Immediately after the adoption of this agreement a copy of the rules and regulations contained in the agreement will be filed in the office of the Secretary of State of Louisiana, the office of the Louisiana Wild Life & Fisheries Commission, the office of the Secretary of State of Texas, the office of the Texas Parks and Wildlife Commission, in the office of each county clerk and each county attorney in the counties within which Toledo Bend Lake is located in the State of Texas.

5. Either state to this agreement may withdraw

therefrom upon six (6) months notice in writing,
addressed to the other state.

**LOUISIANA WILD LIFE & FISHERIES
COMMISSION**

By: CLARK M. HOFFPAUER
Director

Witness my official hand and signature this 22nd
day of September, A.D. 1969, as the Director of
Louisiana Wild Life & Fisheries Commission for
and on its behalf.

**TEXAS PARKS AND WILDLIFE
COMMISSION**

By: PEARCE JOHNSON
Chairman

By: HARRY JERSIG
Member

By: J. M. DELLINGER
Member

Witness our official hands and signatures this 3rd
day of October, A.D. 1969, as and constituting the
Parks and Wildlife Commission of the State of Texas.

14. Affidavit of Jerry Sadler
Commissioner of the General Land Office of Texas

THE STATE OF TEXAS) KNOW ALL MEN
) BY THESE
COUNTY OF TRAVIS) PRESENTS:

That I, JERRY SADLER, being first duly sworn,
on my oath depose and say as follows:

Since January 1, 1961, I have held the position of Commissioner of the General Land Office of the State of Texas, and I am familiar with the facts set out below:

The official maps of the State of Texas, including those showing state boundaries and the boundaries of its counties, are kept in the General Land Office. The eastern boundary of the State was extended by an Act of November 24, 1849, so as to include "the western half of Sabine Pass, Sabine Lake and Sabine River from its mouth as far north as the 32° of north latitude," (3 Gammel's Laws of Texas 442), as specifically approved and consented to in advance by the Congress of the United States by an Act of July 5, 1848 (9 Stat. 245). In the same Boundary Act of November 24, 1849, the Texas Legislature extended the jurisdiction of each of the counties contiguous to the western half of the Sabine River, Lake and Pass to include those portions of the streams opposite each of said counties.

Since 1849, official maps prepared by the General Land Office of Texas reflecting state and county boundaries have consistently shown the eastern boundary of the state to be in the middle of the Sabine Pass, Sabine Lake and the Sabine River as far north as the 32° of north latitude, and the records of this office reflect that the State of Texas and its state agencies, including the General Land Office, have exercised jurisdiction and claimed ownership over the western half of said streams continuously since 1849. Since that date, county boundary maps of this office show the contiguous county boundaries to extend to the middle of said streams. An example of such maps is the relevant portion of the map of the General Land Office dated 1957, which is reproduced and attached hereto as Exhibit 1 to this Affidavit.

Among other exercises of state jurisdiction and ownership over such lands since 1849 have been improvements for navigation, impoundments for water supply, regulation of fishing and hunting on the western half of the aforesaid bodies of water, sale of sand, shell and gravel therefrom and leasing of the submerged land for production of oil, gas and other minerals. The latter leasing functions were exercised by the Commissioner of the General Land Office until 1939, when all such minerals beneath submerged lands were dedicated and conveyed to the Permanent School Fund and the School Land Board of Texas was created to administer the leasing of these and other lands belonging to the Permanent School Fund. (Art. 5421c-3, Vernon's Texas Civil Statutes). The Commissioner of the General Land Office serves as Chairman of the School Land Board and as custodian of its records.

At various times since directional and platform drilling made possible the exploration of submerged lands for mineral production, the State, acting through the Commissioner of the General Land Office and subsequently the School Land Board has advertised for lease and executed oil and gas leases on certain tracts within the western half of the Sabine River, Pass and Lake. These leases are awarded to the highest bidder in a sealed bid sale after public advertisement. A search of the records of this office reflect the following examples of leases advertised on lands within the western half of the Sabine River, Pass or Lake, with bids opened on the dates indicated:

1) *December 5, 1950.* Item 834 of 100 acres in the western half of Sabine River in Newton County was leased to the single bidder for \$6,105.00.

2) *December 5, 1950.* Items Nos. 836, 837 and 838, totaling 303 acres in the western half of Sabine River

in Orange County, were advertised for bids. Three bids were received and the tracts were leased to the high bidders for \$125,377.00.

3) *July 1, 1952.* Item No. 450 of 67 acres in Orange County in the western half of Sabine River was leased to the highest of three bidders for \$6,850.00.

4) *December 6, 1955.* Items Nos. 77, 78 and 79, totaling 2,585 acres in Jefferson County in the western half of Sabine Lake were advertised for bids. Four bids were received on two of the tracts totaling 1,725 acres and they were leased to the highest bidders for \$33,470.00.

5) *July 3, 1956.* Item 199 of 80 acres in the western half of the Sabine River in Newton County was leased to the single bidder for \$41,307.20.

6) *December 2, 1958.* 42 separate tracts in the western half of Sabine Lake (Items 218-59, inclusive) in Jefferson County ranging in size from 350 to 1,070 acres, and Item 5A of 40 acres on the west half of the Sabine River in Newton County, were advertised for bids. A total of 16,878 acres, and 5 year leases were made to the highest bidders for a total of \$1,106,815.26. The 40 acres in the west half of Sabine River in Newton County was leased to the highest bidder for \$3,000.00.

7) *December 1, 1959.* 18 separate tracts in the western half of Sabine Lake (Items 300-17, inclusive) in Jefferson County ranging in size from 380 to 970 acres, and Items 2, 6 and 7 of 90, 53 and 40 acres, respectively, in the western half of Sabine River in Newton County were advertised for bids. A total of 33 bids were received on all 18 Sabine Lake tracts, totaling 12,835 acres, which were leased to the highest bidders for a total of \$1,252,358.80. No bids were received on Items

2 and 7. The 53 acres of Sabine River land in Item 6 in Newton County was leased to the highest bidder for \$2,650.00.

8) *December 6, 1960.* Item 5B, a 50 acre tract in the western half of the Sabine River in Newton County, was advertised for bids. No bids were received on this tract.

9) *August 1, 1961.* Items 5B and 7 of 50 acres and 110 acres, respectively, in the western half of the Sabine River in Newton County were advertised for bids. Item 7 was withdrawn and the 50 acres of Tract 5B was leased to the high bidder for \$2,500.00.

10) *May 5, 1964.* 25 separate tracts in the western half of Sabine Lake (Items 327-51, inclusive) in Jefferson County ranging in size from 333.24 to 1,694 acres were advertised for bids. Five bids were received on 5 tracts totaling 3,285.24 acres, and 5 year leases thereon were executed to the highest bidders for a total of \$77,243.00.

11) *October 6, 1964.* Item 1 of 85 acres in the western half of Sabine River in Orange County was leased to the highest bidder for \$2,893.90.

12) *June 1, 1965.* Two separate tracts in the western half of Sabine Lake (Items 269-70) in Jefferson County for 903 and 1,040 acres, respectively, were advertised for bids. No bids were received on these tracts.

13) *February 1, 1966.* Three separate tracts in the western half of Sabine Lake (Items 329-31, inclusive) in Jefferson County for 903, 1,040 and 930 acres, respectively, and 2 tracts in the western half of Sabine Pass (Items 332-3) in Jefferson County of 420 and 590 acres were advertised for bids. No bids were received on any of these tracts.

14) *April 4, 1967.* Items 7 and 8 of 40 acres each in the western half of Sabine River in Newton County were advertised for bids. No bids were received on these tracts.

15) *December 3, 1968.* Item 2A of 35 acres in the western half of the Sabine River in Newton County and Item 1 of 85 acres in the western half of the Sabine in Orange County, were advertised for bids. No bids were received on the Orange County tract. The Newton County tract was leased to the highest bidder for \$7,000.00.

16) *July 1, 1969.* Item 3 of 135 acres in the western half of the Sabine River in Newton County was advertised for bids. No bids were received on this tract.

The State and its Permanent School Fund have received royalties from oil and gas production on four of the above mentioned tracts, and same are still producing or are pooled with producing drilling units.

By letter of January 31, 1966, Jack P. F. Gremillion, Attorney General of Louisiana, protested the above mentioned advertised lease sale of February 1, 1966, and notified prospective lessees of this date that he, on behalf of Louisiana, was claiming title to the western half of Sabine River, Sabine Pass and Sabine Lake. A copy of that letter is attached hereto as Exhibit 2 to this affidavit. As above indicated, Texas received no bids on the advertised tracts in this sale and has been able to lease only one tract in the western half of Sabine River since that date.

The unfounded claim and unwarranted protest asserted by the Attorney General of Louisiana in 1966, and persisted in since that date, has harassed the State of Texas and its prospective lessees and has obstructed leasing and development of minerals in that portion

of the Sabine River, Pass and Lake within the boundary duly established in 1849 by consent of the Congress of the United States. In the meantime, the State of Louisiana continues to execute leases within its half of the Sabine streams and to encourage the drilling and production of oil and gas wells which are draining or will drain minerals from beneath the Texas owned western half of said streams. These actions by Louisiana in retarding leasing and development beneath the Texas half of the boundary streams while encouraging leasing the production on its eastern half of said boundary streams, has damaged and will continue to damage the State of Texas and its Permanent School Fund until Louisiana is restrained from interfering with the leasing and development by the State of Texas of the western half of the Sabine streams.

Witness my hand this 9th day of June, 1970.

s/ Jerry Sadler
JERRY SADLER

Sworn to and subscribed before me, the undersigned authority, by Jerry Sadler, Commissioner of the General Land Office and Chairman of the School Land Board of the State of Texas, on this the 9th day of June, 1970, to certify which witness my hand and seal of office.

s/ Helen Ingram
Notary Public in and for
Travis County, Texas

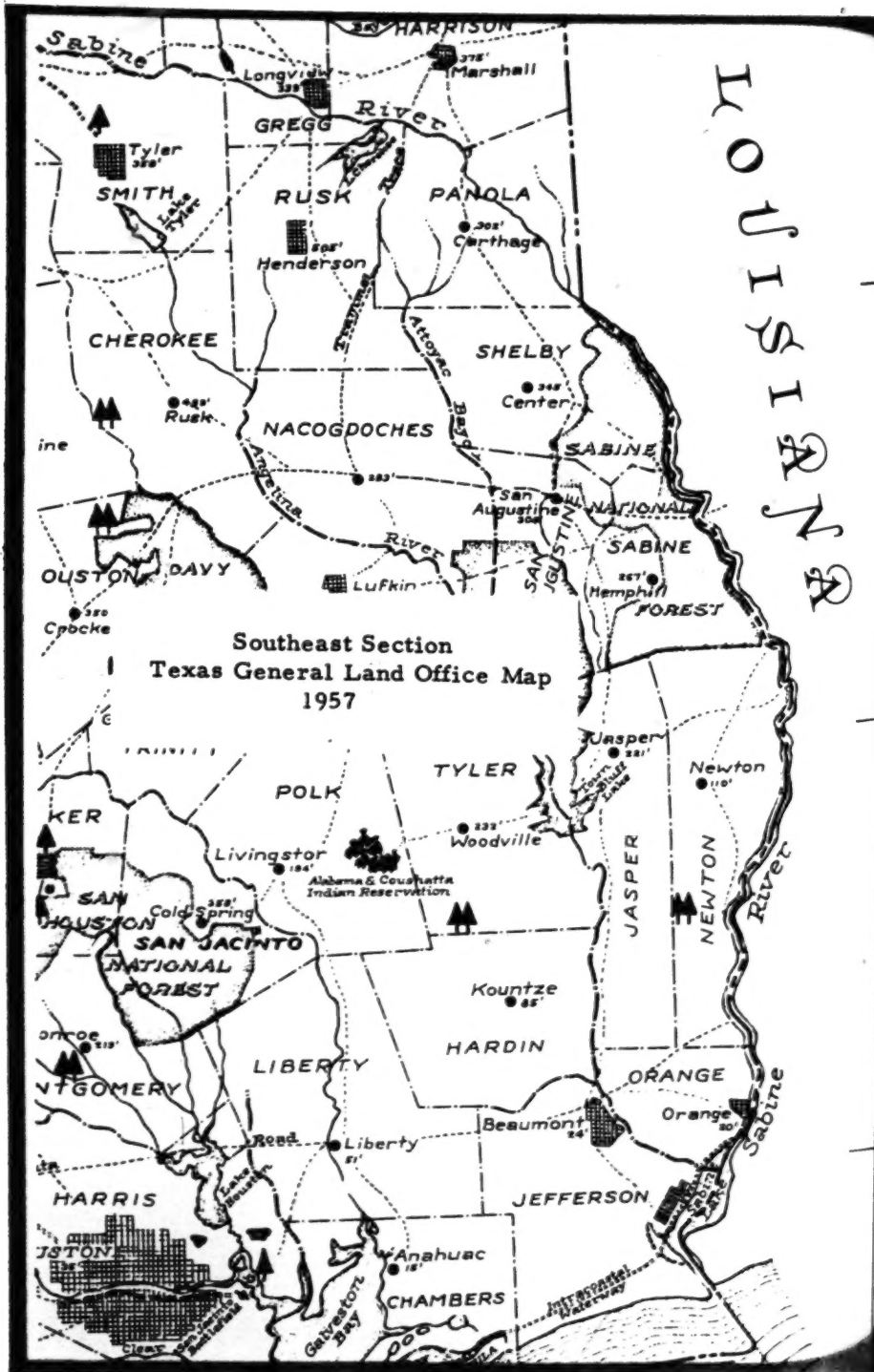


EXHIBIT 2

State of Louisiana
DEPARTMENT OF JUSTICE
Baton Rouge

January 31, 1966

Honorable Jerry Sadler
Commissioner
General Land Office
State of Texas
Austin, Texas

Dear Mr. Sadler:

I have before me a document issued by you in your official capacity in conformity with an order of the School Land Board of Texas giving notice for bids to be received not later than 10 A.M., February 1, 1966, for oil, gas and mineral leases covering certain tracts that are described in the notice for bids.

Among the tracts included in the notice for bids are the following:

SABINE LAKE

Jefferson County

329.	Tract 41	903 Acres
330.	Tract 42	1040 Acres
331.	Tract 43	930 Acres

SABINE PASS

Jefferson County

332.	Tract 1	420 Acres Approximately
333.	Tract 2	590 Acres Approximately

GULF OF MEXICO

Jefferson County

401.	Tract 13-L	1283.1 Acres
402.	Tract 13-L NW/4	1440 Acres

According to the territorial claim of the State of Louisiana of lands lying within the boundaries of said state and to it belonging, are all of the tracts, either in whole or in part, that are identified above and described in your notice for bids. In the exercise of my official duties and mandate as set forth in Article VII, Section 56 of the Constitution of the State of Louisiana, I hereby enter serious protest on behalf of the State of Louisiana against your offering for lease and leasing, on behalf of the State of Texas and the School Land Board of that state, any of the tracts above identified and included in the notice for bids aforesaid.

You are fully informed as to the claims of the State of Louisiana to submerged land areas in Sabine River, Sabine Lake, Sabine Pass, and the area of said lands extending seaward from said pass. Even if the State of Texas, represented by its officers and agents, does not accept and agree to such claim and the extent thereof, it seems only reasonable to suggest that the State of Texas not offer for lease any lands lying within the area or areas of submerged lands affected by disputed claims of the two states, until the boundary dispute is resolved by compact or litigation.

Sincerely yours,

s/ Jack P. F. Gremillion
JACK P. F. GREMILLION
Attorney General
State of Louisiana

cc: Honorable John Connally
Governor of Texas

Honorable Waggoner Carr
Attorney General of Texas

Honorable John J. McKeithen
Governor of Louisiana

Honorable Ellen Bryan Moore
Register of State Land Office
State of Louisiana

Honorable Henry D. Howe, Chairman
Louisiana State Mineral Board

Honorable Howard M. Jones
State Senator, Louisiana

Honorable Lloyd R. Hymel
State Representative, Louisiana

**15. Affidavit of J. C. Dingwall, Texas State Highway
Engineer**

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

Before me, the undersigned notary public in and for Travis County, Texas, on this day personally appeared J. C. Dingwall, who being by me duly sworn, upon oath says:

My name is J. C. Dingwall, and I am State Highway Engineer for the State of Texas, having been with the State Highway Department for 38 years. I have personal knowledge of the facts and records of this Department relating to construction of bridges by the State of Texas and the State of Louisiana across the Sabine River. All of the bridges on the State Highway Department System across the Sabine River between Logansport, Louisiana (near the 32nd degree of north latitude), and the Gulf of Mexico were constructed with the State of Texas and the State of Louisiana each paying fifty percent (50%) of cost, except for

Federal contributions, and except for the present crossing of Toledo Bend Reservoir on Texas State Highway 21 (Louisiana State Highway 6), which was paid for by the Sabine River Authorities of Texas and Louisiana as a replacement crossing necessitated by the reservoir construction.

A list of such bridges, the Texas counties crossed, highway numbers, and dates of construction is attached hereto and made a part hereof.

Signed the 15 day of June, 1970.

s/ J. C. Dingwall
J. C. DINGWALL
State Highway Engineer

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

Subscribed and sworn to before me the undersigned authority on this 15 day of June, 1970.

s/ Beatrice O. Fox
BEATRICE O. FOX
Notary Public in and for
Travis County, Texas

**BRIDGES CONSTRUCTED ACROSS THE SABINE RIVER
BETWEEN THE STATES OF TEXAS AND LOUISIANA**

TEXAS COUNTY	HIGHWAY NUMBER	PROJECT NUMBER	CONTROL NUMBER	DATE CONTRACTED	DATE COMPLETED
Shelby	U.S. 84	NRH 792(Tex.) NRM 792(La.)	175-1-1	11/35	12/36
Sabine	S.H. 21	WPH 862	119-5-1	6/36	8/37
Sabine	S.H. 21	C-119-5-3	(Toledo Bend Reservoir)	12/65	5/68
Newton	F.M. 692	None	1300-2 (Over Toledo Bend Dam)		
Newton	S.H. 63	WPH 833	214-4-1	6/36	7/37
Newton	U.S. 190	FAP 567 I	244-6-1	1/30	4/31
Newton	S.H. 12	WPSS 822	499-1-1	6/36	2/38
Orange	U.S. 90 (Old Loc.) I.H. 10	FAP 336 A-B I FI 1091(1)	28-12-1 (Removed 28-14-1)	4/26 4/54 6/49	11/27 8/54) 1/51



FILE COPY

No. 36, ORIGINAL

Supreme Court, U.S.

FILED

AUG 3 1970

E. ROBERT SEAYER, CL

**In the
Supreme Court of the United States**

OCTOBER TERM, 1969

THE STATE OF TEXAS,

Plaintiff,

v.

THE STATE OF LOUISIANA,

Defendant.

**AMENDED ANSWER AND COUNTERCLAIMS
OF THE STATE OF LOUISIANA**

JACK P. F. GREMILLION,
Attorney General,
State of Louisiana.

JOHN L. MADDEN,
Assistant Attorney General.

EDWARD M. CARMOUCHE,
Assistant Attorney General.

OLIVER P. STOCKWELL,
SAM H. JONES,

JACOB H. MORRISON,
Special Assistant Attorneys General,
State of Louisiana.

No. 36, ORIGINAL

**In the
Supreme Court of the United States**

OCTOBER TERM, 1969

THE STATE OF TEXAS,

Plaintiff,

v.

THE STATE OF LOUISIANA,

Defendant.

**AMENDED ANSWER AND COUNTERCLAIMS
OF THE STATE OF LOUISIANA**

The State of Louisiana, herein appearing through its Attorney General and as authorized by the Special Master on July 8, 1970, files this amended answer and counterclaims against the State of Texas, and avers:

FOURTH DEFENSE

The Fourth Defense in the original answer filed by the State of Louisiana is amended as follows:

In lieu of the answer of the State of Louisiana to Article II of the complaint, the answer to Article II of the complaint is amended to read as follows:

"2.

In answer to Article II the State of Louisiana admits that the United States Congress approved an Act of July 5, 1848 (9 Stat. 245), which Act is the best evidence of its contents and provisions, but denies that the Statute had the effect of transferring title from the State of Louisiana to the State of Texas to the western half of the river bed and sub-soil of Sabine River (including Sabine Pass and Sabine Lake) from the Gulf of Mexico to the 32d degree of north latitude.

In the alternative, if the Court should determine that the Act purported to transfer title, then the Act is unconstitutional under the Constitution of the United States and particularly under Article IV, Section 3 of said Constitution.

Further answering said Article the State of Louisiana admits that the Legislature of the State of Texas passed an Act approved November 24, 1849 (3 Gammel's Laws of Texas 442), which Act is the best evidence of its contents and provisions, but the State of Louisiana denies that the Act had the effect of transferring from the State of Louisiana to the State of Texas title to the west half of the river bed and subsoil of Sabine River (including Sabine Pass and Sabine Lake) from the Gulf of Mexico to the 32d degree of north latitude.

In the alternative, if the Court should determine that the Act purported to transfer title, then

the Act is unconstitutional under the Constitution of the United States and particularly under Article IV, Section 3 of said Constitution."

II.

In lieu of the answer of the State of Louisiana to Article VII B of the complaint, the answer to Article VII B of the complaint is amended to read as follows:

"7B.

In answer to subparagraph B the State of Louisiana admits the existence of Senate Document, 30th Congress, 1st Session 1848, Miscellaneous No. 135, which purports to be a copy of Resolution 212 of the Legislature of the State of Louisiana for the year 1848, but the State of Louisiana denies that said Document 135 is a true copy of Resolution 212, in that Resolution 212 provides:

"Between the middle of the Sabine river and the western bank thereof, to begin at the mouth of said river where it empties into the Gulf of Mexico, and thence to continue along the said western bank to the place where it intersects the thirty-second degree of north latitude, *it being the boundary line between the said State of Louisiana and the State of Texas.*" (Emphasis ours), and that Miscellaneous Document 135 leaves out the word "Texas" at the end of the above paragraph.

The State of Louisiana denies that Resolution 212 gave up any rights of the State of Louisiana, but on

the contrary confirmed the western boundary of the State of Louisiana along the west bank of the Sabine River as fixed by the Treaty of Limits.

III.

That the original answer, as amended, is adopted and re-urged herein.

SIXTH DEFENSE

COUNTERCLAIM NO. 1

1.

The State of Louisiana, for the reasons set forth in its original answer, as amended hereby, avers that the boundary between the State of Texas and the State of Louisiana from the Gulf of Mexico to the 33rd degree of north latitude was settled in the Treaty of Limits between the United States (as a sovereign nation appearing on behalf of the State of Louisiana) and Spain in 1819, which boundary was confirmed on January 12, 1828 in a Treaty between the United Mexican States and the United States, and on April 25, 1838, reaffirmed in a Treaty between the Republic of Texas and the United States. The boundary was thereafter surveyed and staked by a Joint Commission appointed by the Republic of Texas and the United States from the Gulf of Mexico along the west bank of Sabine Pass, Sabine Lake and Sabine River to the 32d degree of north latitude, and then north to the 33rd degree of north latitude (Senate Document 199, 27th Congress, 2d Session, 1842).

2.

That the State of Louisiana, from the adoption of the Treaty of Limits of 1819, has recognized and asserts its west boundary as that established in said Treaties from the Gulf of Mexico to the 33rd degree of north latitude and extending from said point on the Gulf of Mexico south into the Gulf of Mexico to the extent of the rights acquired by the State of Louisiana under the Submerged Lands Act.

3.

The State of Texas stipulated in these proceedings that its eastern boundary "between the 32nd and 33rd degrees of north latitude is a line marked on the ground in 1840-1841 by Commissioners appointed by the United States and the Republic of Texas from the junction of the west bank of the Sabine River with the 32nd degree of north latitude, thence north to the 33rd degree of north latitude, being the same line fixed by the Treaties between the United States and Spain in 1819, between the United States and Mexico in 1828, and between the United States and the Republic of Texas in 1838", and that this line has remained the same since it was so marked on the ground. This leaves in dispute with the State of Texas only that portion of the boundary from the Gulf of Mexico to the 32d degree of north latitude (other than the boundary in the Gulf of Mexico which is not involved in this litigation). The State of Louisiana, therefore, urges this Court to recognize and declare its boundary between the State of Texas to be that line marked and

staked on the ground by the said Commission in 1840-1841 from the Gulf of Mexico along the west side of Sabine Pass, Sabine Lake and Sabine River to where it strikes the 32d degree of north latitude and joins the line already admitted by the State of Texas as being its eastern boundary.

COUNTERCLAIM NO. 2

In the alternative, should this Court decide against the State of Louisiana under Counterclaim No. 1, then the State of Louisiana claims ownership of the bed and subsoil from the middle of Sabine River, Sabine Lake and Sabine Pass to the west bank thereof as established by the Treaty of Limits and actually surveyed and staked as set forth in paragraph 1 of Counterclaim No. 1 for the following reasons:

(a) That when the Treaty of Limits was entered into in 1819 fixing the western boundary along the west bank of the Sabine River, there was no United States territory west of said boundary and, therefore, the bed and subsoil of the west half of the Sabine Pass, Sabine Lake and Sabine River vested in the State of Louisiana subject to the right of other nationals to use the River in accordance with the Treaty.

(b) That the State of Louisiana asserted this right of ownership in Resolution 212 of the Legislature of the State of Louisiana of 1848.

(c) That the fact that the State of Louisiana was to acquire all islands in said body of water indicated that the State of Louisiana was to have title to the bed

and subsoil of Sabine Pass, Sabine Lake and Sabine River to the west bank as established by said treaty.

(d) That the State of Louisiana was to encompass the Orleans Territory, which boundary was to be settled by the United States, which was settled by the Treaty of Limits in 1819.

COUNTERCLAIM NO. 3

In the alternative, should the Court decide against the State of Louisiana under Counterclaims Nos. 1 and 2, then Louisiana claims that the boundary between the State of Louisiana and the State of Texas is in the middle of the Sabine River, under accepted international law, from the Gulf of Mexico to the 32d degree of north latitude, including title not only to the islands in existence in 1812, which is admitted, but all other islands formed from that date in said bodies of water.

WHEREFORE, the State of Louisiana prays that its plea of accord and satisfaction be sustained and that the State of Texas' claims be denied at its costs.

PRAYS FURTHER, in the alternative, that if its plea of accord and satisfaction is denied, that it have judgment under Counterclaim No. 1 declaring the boundary between the State of Texas and the State of Louisiana is that line marked and staked on the ground by the Commission in 1840-1841 from the Gulf of Mexico along the west side of Sabine Pass, Sabine Lake and Sabine River to where it strikes the 32d degree of north latitude and joins the line already

admitted by the State of Texas as being its eastern boundary.

PRAYS FURTHER, in the alternative, that if the Court should reject the plea of accord and satisfaction and the claim under Counterclaim No. 1, that the State of Louisiana be decreed as having title to the bed and subsoil of the west half of Sabine Pass, Sabine Lake and Sabine River to the west bank thereof as established by the Treaty of Limits from the Gulf of Mexico to the 32d degree of north latitude.

PRAYS FURTHER, in the alternative, that if the foregoing claims be denied by the Court, that the State of Louisiana have judgment fixing the boundary between the State of Louisiana and State of Texas in the middle of Sabine River, under accepted international law, from the Gulf of Mexico to the 32d degree of north latitude, with title to all islands in existence in 1812, and all other islands formed from that date in said bodies of water.

PRAYS FURTHER, for all orders and decrees necessary in the premises; for full, general and equitable relief.

Respectfully submitted,

JACK P. F. GREMILLION,
Attorney General,
State of Louisiana.

JOHN L. MADDEN,
Assistant Attorney General.

EDWARD M. CARMOUCHE,
Assistant Attorney General.

OLIVER P. STOCKWELL,
SAM H. JONES,

JACOB H. MORRISON,
Special Assistant Attorneys General,
State of Louisiana.

CERTIFICATE OF SERVICE

I, JACK P. F. GREMILLION, Attorney General of Louisiana, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the _____ day of _____, 1970, I served copies of the foregoing amended answer and counterclaims of the State of Louisiana, by transmitting conformed copies of the same, by first class mail, postage prepaid, to the Office of the Governor and Office of the Attorney General, respectively, of the State of Texas; also, upon the Solicitor General of the United States, in compliance with Rule 33.2(b) of the Rules of the Supreme Court of the United States.

JACK P. F. GREMILLION,
Attorney General,
State of Louisiana.

B-2672, 7-70

